





A  
FULL REPLY  
TO A  
LETTER,

Under the NAME of

JOSEPH BENWELL, OF ETON,

CONCERNING

A late OPERATION.

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By GEORGE AYLETT,  
SURGEON, at WINDSOR.

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L O N D O N :

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## ERRATA.

Page 9, Line 26, for *the 19th*, read *the 29th*. P. 11, l. 24, add *Mr.* before *Bromfield*. P. 34, l. 27, for *Affair*, r. *Affidavit*. P. 42, last l. for *an incompetent*, r. *a competent*. P. 45, l. 20, for *greater*, r. *great*. P. 46, l. 20, add, after *Cause*, *on his Testimony*. P. 46, l. 22. instead of *Writer*, r. *Witness*.

TABLE

of the names of the persons who have been  
admitted to the office of the Secretary of the  
Board of Education, since the first of January, 1880.

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A F U L L  
R E P L Y, &c.

**B**EFORE I enter into a regular answer to Mr. Benwell's letter, it may be necessary to inform the reader of the reasons which have induc'd me to change the style of my address, and to direct what I have to say to the public, rather than to Mr. Bromfield, as was originally intended.

As there are many chirurgical remarks in Mr. Benwell's letter, reflecting highly on my character as a surgeon, and which, from the nature of the subject, could not reasonably be supposed to have been suggested by a man entirely ignorant of the profession of surgery; it was not unnatural for me at first, to suppose that Mr. Bromfield might have some share in the production of these remarks, considering the connection there had been between him and Mr. Benwell, and considering the dispute that had subsisted between himself and me. But reflecting afterwards upon the ignorance of some of these remarks, and the different falsities of others, it was thought adviseable by my friends, before I publicly imputed them to Mr. Bromfield, to know whether he acknowledged or disavowed them. On my hinting this to a friend of Mr. Bromfield's, he was authoris'd by him to send me the following paragraph, with Mr. Bromfield's own sentiments thereon, in the following letter.

B

“ As



“ As you know how desirous I am to finish  
 “ your present literary dispute, at least as far as  
 “ relates to Mr. Bromfield ; I wou’d not omit  
 “ the first opportunity of seeing him after you left  
 “ me. In regard to the chirurgical remarks in  
 “ Mr. Benwell’s letter, Mr. Bromfield declares,  
 “ that he not only did not dictate them, but that  
 “ it was absolutely disagreeable to him, and en-  
 “ tirely against his consent, that they were pub-  
 “ lished. As a convincing proof of this, and to  
 “ shew his sentiments upon the occasion, he desired  
 “ me to transcribe part of a letter he wrote to Mr.  
 “ Hartcup, and which Mr. Hartcup went with,  
 “ and read to Dr. Bidle before Mr. Benwell’s  
 “ Letter was published : the paragraph is as fol-  
 “ lows ; Tell Dr. Bidle, I would not advise Mr.  
 “ Benwell to meddle with the chirurgical part of  
 “ the case on any account, or to mention what he  
 “ has related about Mr. Sharp, as the readers will  
 “ conclude, that either *He* or *I* have furnished that  
 “ part, which I must disavow, as it is contrary  
 “ to Mr. Ranby, and Mr. Hawkins’s sentiments,  
 “ as well as my own. Mr. Bromfield imagines  
 “ he cannot express himself stronger about these  
 “ remarks, than he has done, in the preceding  
 “ paragraph.”

After this declaration, I certainly could have no  
 right to address myself to Mr. Bromfield, or to  
 dispute chirurgical points with one, who has thus  
 disavowed them. Indeed it must have been a  
 strange contradiction in Mr. Bromfield, either to  
 have inserted in this manner, or to have given the  
 least countenance to these remarks, after having  
 omitted to charge me with any defects in opera-  
 ting, in the pamphlet published by himself eight  
 months



months ago; after his many declarations to the contrary, at various times; and after my publicly calling on him to appeal to our proper tribunal, the court of assistance of the company of surgeons in London; who certainly are the most proper, and equitable judges, to determine any points of dispute, relative to the profession of surgery.

I should have thought this a sufficient answer to whatever Mr. Benwell has offered in regard to these chirurgical matters; but as they must have been dictated by some person, who thinks at least he has some knowledge of the subject, and the physician above mentioned is so strongly pointed out; I should be unwilling to give him the least offence, in neglecting to reply to his remarks; I shall therefore reply to every passage, pointing out the futility of the remarks; the want of candour in the quotations; and the defect of judgment in the application of them.

His attempt to describe the difference between a *single* and *double* incision, from an imperfect quotation of Mr. Sharp, shews great dissingenuity, or very little knowledge in this branch of surgery: I shall on that account add the designed omissions, which will set that gentleman's thoughts in their proper light. "The manner of rowling *the tape*,  
 " says he, has always been perpendicular to the  
 " length of the leg, but having sometimes observed  
 " that the gastrocnemius muscle contracting,  
 " draws back the inferior part of the stump more  
 " strongly than the other muscles can do the rest  
 " of it; I have lately, in order to preserve the  
 " regularity of the cicatrix, allow'd for this excess  
 " of contraction, and made the circular incision  
 " in such a manner, that the part of the wound  
 " which is on the calf of the leg, is a little farther

“ from the ham, than that on the the skin is from  
 “ the middle of the patella.”

These are the words of that *able artist* Mr. Sharp, which so far from *peevishly snarling at*, that I have often made use of them, as a justification of my conduct, and think myself happy in the sanction of so truly eminent an operator. This gentleman very ingenuously also confesses, “ that notwithstanding we derive such benefits from the  
 “ double incision, the contractile disposition of  
 “ the muscles, and perhaps of the skin itself, is  
 “ so great, that in spite of any bandage they will  
 “ retire from the bone, especially in the thigh,  
 “ and sometimes renders the cure tedious.”

I must beg leave in this place to declare, that though I approve of the double incision in amputating; have always practised it, and did in this very case perform it, as will appear by the testimony of Mr. Penford; yet it is by no means a practice universally adopted: the manner of operating by the *single* incision being still supported by surgeons of great eminence: in the memoirs of the academy of surgeons at Paris, lately published, Mr. Lewis, a surgeon of great esteem for knowledge in his profession, opposes the method of amputating by the *double incision*, describes the manner in which that by *the single* may be more advantageously performed, and gives his reasons for preferring this method to the other. The curious reader will have recourse to the work itself, from which I shall beg leave to make a few quotations in his own words: in his 1st Memoir he says, “ That the perfection of an amputation  
 “ consists in preserving the greatest length that is  
 “ possible of *the flesh*, which forms the extremity  
 “ of the stump, to serve as a cushion to the end  
 “ of the bones: it is no doubt, says he, of some  
 “ advantage



“ advantage to preserve the skin; nor can we  
 “ commend too much the precaution of drawing  
 “ it towards the upper part of the limb, and se-  
 “ curing it by a ligature before the amputation;  
 “ but it appears very useless to put the patients  
 “ to so much torture by the amputation with the  
 “ double incision, if the preservation of the skin  
 “ does not prevent the protrusion of the bones;  
 “ and the preserving too great an extent of skin  
 “ is an obstacle to the cure, which may be easily  
 “ demonstrated: the protrusion of the bones will  
 “ never take place, so long as they are immedi-  
 “ ately encompassed with the fleshy substance of  
 “ the muscles: this proposition is incontestible;  
 “ the state therefore of the skin, whether longer or  
 “ shorter, conduces nothing to this protrusion, as  
 “ we have proved. Thus the precaution of draw-  
 “ ing it upwards, and preserving as much of it  
 “ as possible, will not prevent this inconvenience.”

In his 2d Memoir, he says, “ I think the best  
 “ rules laid down as directions in amputations  
 “ are too vague and general, and that there is a  
 “ necessity of their being more determinate: how-  
 “ ever solid they may appear in general, we find  
 “ them respectively erroneous, when referred to  
 “ particular cases: it is on the thigh where the  
 “ *double incision*, says he, is most recommended;  
 “ notwithstanding I dare assert, that there is less  
 “ necessity for it than in any other part. For it  
 “ is certain, that the preservation of a larger por-  
 “ tion of skin will not supply the default of the  
 “ muscles; wherewith, one would wish, the bone  
 “ should always be covered: this first incision,  
 “ so highly recommended, is therefore absolutely  
 “ useless: it lengthens out the operation, and ren-  
 “ ders it more painful, without the least neces-  
 “ sity: so that we think we may lay it down as  
 “ a pre-



“ a precept, founded both on reason and experi-  
 “ ence, that the operation ought to be commenced  
 “ by a deep incision, such as may cut through  
 “ the muscles and skin at one stroke. The ope-  
 “ ration which I have here described, is attended  
 “ with all these advantages ; the extremity of the  
 “ bone is therein covered with flesh ; and every  
 “ end which is proposed in the double incision, is  
 “ answered, in an easier manner, less painful, and  
 “ as far as possible exempt from every inconve-  
 “ nience.”

By these extracts from a modern surgeon of great repute, I mean only to observe to some *particular readers*, that the double incision so much talked on, and so little understood, is by no means universally adopted ; I pretend not to settle the point in dispute ; it is enough for me to shew the diversity of opinions among surgeons.

As this part of Mr. Benwell's pamphlet is more particularly laboured, in order to excite compassion in the breast of the humane reader ; I think it incumbent on me to expose the artifice, or ignorance of the writer ; as it is evidently calculated with design to create abhorrence of me ; by insinuating that I added cruelty to ignorance.

As to *the single slash* which it is said I made at *this dreadful operation*, from which the patient received such *extreme pain* ; I appeal to every surgeon ; nay, to every man of common sense ; that if the operation had been performed in that manner, whether the pain had not been less, than by the *double incision* ? and whether the repetition of incision is not a repetition of pain ? but the falsity of this insinuation has been already proved, and the aggravation of pain imputed to me, had I thus operated, been sufficiently refuted above.

The writer thus proceeds, “ Had I at that  
 “ time reposed my sole confidence in you, *the*  
 “ *torture* that I certainly should have undergone,  
 “ must have been as great for a time as a hu-  
 “ man body is capable of sustaining; for had you  
 “ introduced the saw before the membrane, that  
 “ covers the bones and the ligaments, that are  
 “ between, had been divided, the pain must have  
 “ been *insupportable*.” In answer to this base im-  
 putation, I must beg the reader would recollect the  
 manner in which the operation was agreed to be  
 performed by Mr. Bromfield and myself; I was  
 to make the incisions, and *he* to divide the mem-  
 branes: is it to be supposed, that Mr. Bromfield  
 was not prepared to execute his part? or could  
 I have parted with the amputating knife, taken  
 up the saw, and been ready to introduce it, be-  
 fore he was prepared with his knife to divide the  
 membranes? but as this point has been refuted on  
 oath by Mr. Penford, as will appear by and by, I  
 shall no longer dwell on the absurdity of it; I shall  
 only observe, that these expressions of *torture*, and  
*insupportable pain*, which my *supposed* inadvertency  
 ’tis said *might* have created, are nothing more  
 than phrases of a man who would incite pity;  
 and who endeavours to support the want of argu-  
 ment, by an affectation of the pathetic; for this  
 torture so feelingly painted, is a consequence that  
 could not have followed, even had the membranes  
 remained undivided. In proof of this assertion I  
 appeal to the words of Mr. Le Dran, an author  
 in too high esteem, not to have the utmost de-  
 ference paid to his sentiments. In his chapter on  
 amputations, he says, “ The muscles and peri-  
 “ osteum being all divided, the last incision de-  
 “ stroys all communication of life between that  
 “ part of the periosteum above the incision, and  
 “ that



“ that which is below ; consequently as *no sensa-*  
 “ *tion* remains there, *it is needless to scrape the*  
 “ *bone*, in order, as authors have proposed, to se-  
 “ parate the periosteum : this would not only  
 “ prolong the operation, but it is impossible to  
 “ scrape exactly round the two bones of the leg  
 “ or fore-arm ; to which we may add farther, that  
 “ the small part of the periosteum which is not  
 “ scraped, is not at all capable of clogging *the*  
 “ *teeth of the saw.*” Thus it is evident, that these  
*dreadful tortures*, so artfully and designedly painted,  
 are intirely imaginary ; unless *the author* can make  
 it appear, that a man can suffer *insupportable pain*,  
 where *no sensation remains* ; and where all commu-  
 nication of life is destroyed by a total division of nerves  
 and blood vessels : but this I apprehend he will not  
 be hardy enough to undertake, as the absurdity is  
 but too striking to every reader of common sense ;  
 and I should have thought that no man, with a *to-*  
*lerable education in physick, or a moderate share of*  
*practice*, could have been thus ignorant of the ge-  
 neral laws of the animal œconomy, and of the first  
 principles of anatomy.

Before I take my leave of this part, I can't help  
 observing, that after having been unjustly taxed  
 for what is affirmed I did amiss in the operation ;  
 the consequence of what I did not do, is meanly  
 insinuated ; and Mr. Benwell is also made to say,  
 “ *had I at that time reposed my sole confidence in you,*  
 “ *the torture, &c.*” Here I apprehend the writer  
 has forgot what Mr. Benwell has been made to as-  
 sert, that he knew nothing of my being to perform  
 any part in the operation ; for by saying, had he  
 reposed his *sole confidence*, does he not confess he  
 reposed *some* ? and as he allows that he saw me,  
 and knew I was to be concerned in the operation,  
 is it not probable, that if he knew not the very  
 part



part I was to perform; that he agreed to the settlement of that affair, as it should be adjusted between us? how will this confession otherwise be reconciled to the contradiction above mention'd?

In p. 27. it is said, To this you will perhaps reply, Mr. Bromfield has allowed *your part of the operation to be well done; he did undoubtedly make some wonderful concessions from friendly motives, being very unwilling to expose you.* Will the world believe, that Mr. Bromfield's friendship towards me was so great, that he rather chose to expose himself than me? and declare that I performed an operation well, which was done ill, even at a time there was a disagreement between us? could Mr. Bromfield, or any man of honour, who had a regard to his patient's welfare, and his own reputation, have left an operation unimproved, had there been any occasion to render it more compleat? as to Mr. Bromfield's declarations; they are supported by the testimony of gentlemen, whose veracity cannot be doubted, as well as extracts from his own letters, which I shall presently insert.

The Declaration on Oath of Mr. JAMES  
PENFORD, Surgeon and Apothecary at  
Bishop-Waltham in Hampshire.

THE 19th day of May, 1759, I attended Mr. Benwell, with Mr. Aylett, from the beginning of Mr. Benwell's accident; and I declare that I was at Mr. Benwell's house some time before the amputation of his leg, and heard part of the conversation between Mr. Bromfield and Mr. Aylett in the parlour; and I do affirm, that when Mr. Aylett asked Mr. Bromfield, why he was so equipt (seeing him in a dress for operating)  
C that

that he replied it was at the request of Mr. Howard, who had desired him to cut off Mr. Benwell's leg for him ; that on this, a dispute ensued on the propriety of Mr. Bromfield's performing the operation, on the sole request of Mr. Howard : that I soon after, with some others, by desire, quitted the room, and left Mr. Bromfield and Mr. Aylett together. That at different times afterwards, being in the next room through which they passed, I saw Mr. Pitt and Mr. Poppleton separately enter the parlour, and I declare Mr. Poppleton was the last person, who went into the said parlour ; who also on his return through the next room, where I was sitting with some others, expressed himself in the following words, *That every thing was settled* ; and Mr. Bromfield and Mr. Aylett immediately followed him up stairs. That Mr. Aylett was a considerable time in Mr. Benwell's bed-chamber before the operation, and that no cap was drawn upon his face, till the moment before the operation ; which was done by Mr. Aylett's direction. I declare also, that a *double incision* was made by Mr. Aylett, Mr. Howard drawing up the skin, after the first incision. I declare that I saw no unsteadiness in Mr. Aylett's hand during his operating, and my situation was such, as I held the leg, that had there been any such appearance, I certainly should have observed it : as to Mr. Aylett's attempting to saw the bones prematurely, I declare that Mr. Aylett made no such attempt, till the membranes had been first divided by Mr. Bromfield. I declare also, that Mr. Bromfield after the operation was over, congratulated Mr. Aylett on the success of the part he performed, and affirmed, that there was sufficient skin for any one to have left.

To



To wit; Sworn before me one, of his Majesty's  
justices of the peace for this town and coun-  
ty of Southampton, the 12th of July, 1760.

W. WHITE.

JAMES PENFORD.

I must beg leave to observe on this occasion, that Mr. Penford ought to be esteemed no very incompetent judge of these affairs, as he serv'd a regular apprenticeship in London; attended the hospitals there, and lived afterwards in Windsor eleven years; nine of which he was an assistant to me: during which time he saw me perform several amputations, with many other capital operations in surgery.

Thirteen days after the operation, Mr. Bromfield declared, in the presence of several gentlemen, that the amputation of Mr. Benwell's leg by me was well performed; with this addition, that the stump was then in good condition: 'tis unnecessary indeed to mention this circumstance, as it has not been denied in Mr. Benwell's pamphlet.

I shall now insert some extracts from two of Mr. Bromfield's letters to me, relative to this point; as well as to some others, that more immediately concern Mr. Benwell. In his first letter, dated eight days from the operation, he says, &c.

Extracts from <sup>Mr</sup> Bromfield's Letter to Mr. Aylett, dated eight Days after the Amputation of Mr. Benwell's Leg.

“ As an apology to you for being prepared to  
“ operate, I told you, that Mr. Howard had re-  
“ quested me to perform the operation for him.—  
“ That I thought you as capable as myself,  
“ or any other of the profession.—That af-



“ ter dinner on friday, some gentlemen came in;  
 “ and said, you look’d on yourself as discharg’d  
 “ from any farther attendance on Mr. Benwell;  
 “ on which I went up to him, and told him what  
 “ I thought was right in respect to you; when he  
 “ declared he never had the least thought of dis-  
 “ missing you, the which was desired by me that  
 “ you should be made acquainted with.—What-  
 “ ever tittle tattle, usual in country towns on  
 “ these occasions, and propagated by opposite  
 “ parties, assure yourself they have no foundation  
 “ from me, nor has any thing said to your pre-  
 “ judice ever met with encouragement from me.—  
 “ If any misrepresentations have been made to  
 “ your prejudice, I shall always take the greatest  
 “ pleasure in contradicting them, whenever you  
 “ call on me so to do.”

Another Extract from a Letter a Month after.

“ I am much concerned to hear that any of my  
 “ people should propagate any thing to your pre-  
 “ judice, I hope you are misinformed; you may  
 “ be assured such behaviour is not countenanced  
 “ by me, or ever will. The impertinence and  
 “ self conceit of young men in the profession, is  
 “ what you cannot be a stranger to, and criti-  
 “ cisms from them, is what the first operators in  
 “ town are liable to every day; in case it should  
 “ ever reach their ears, they are always despised  
 “ by men of eminence in the profession; never-  
 “ theless, if you desire it, I will enquire into the  
 “ affair, and will certainly reprimand any of my  
 “ young gentlemen, if they should be found to  
 “ blame.”

I shall make no reflexions either on the above  
 affidavit, or extracts, as they are obvious to every  
 reader; who can have no room to doubt of my  
 having

having performed my part of the operation properly. But with an air of triumph it is said, “How will you weaken the strength of Mr. Howard’s, and Mr. Hartcup’s evidence against you?” Why, I think nothing is more easy to accomplish; as to the former, I shall refer him to my postscript; and till he can clear up the affair there mentioned, I shall think such evidence can be of no weight on any occasion whatever: as to the latter, who was at that time Mr. Bromfield’s apprentice, I shall refer him to the above letter of his master’s; whose evidence he has there sufficiently invalidated, and taught me how *to despise*.

Mr. Bromfield, in the above extract, says, “That he thought me as capable as himself, or any other of the profession:” and he has exhibited the strongest proofs that, in the amputation of Mr. Benwell’s leg, I have given him no reason to be of a different opinion; by his refusing to submit the determination of the whole affair to the court of assistants, and company of surgeons in London, who are undoubtedly the proper judges in matters of this nature; and had that method of appeal been taken either by Mr. Bromfield, or Mr. Benwell, for to both of them the appeal was made, there could have been no farther altercation on this subject; to reject a proposal of appealing for judgment, to an *impartial*, and *proper* tribunal, hath ever been considered as equal to an act of self condemnation.

The amputation being well performed, and the stump allowed by Mr. Bromfield, at the expiration of 13 days, to be in good condition; this methinks might have excused me from any imputation of misbehaviour in the operation; not at all, it seems, I am to be made accountable for  
all



all the incidental consequences of the cure, however produced; whether they might arise from neglect on one side, or ignorance on another.

It is notorious, that, for the first fortnight after the amputation, Mr. Benwell was in the most happy situation that could be wished for; the symptomatic fever was passed, the stump digested, and he was pronounced to be out of danger: he was visited, and congratulated thereon, by his friends; and indeed was so well, as to be removed into another room: but at this time, the unhappy consequences of a fresh fever, acquired perhaps by this premature removal, or some other irregularity, began to display themselves: Mr. Bromfield could no longer attend, being himself confined by illness; the fever daily increased for more than a fortnight, and defied the utmost skill of the attending physician; the alarms were great, frequent and daily messages were sent up to town for Mr. Bromfield's opinion; yet, during this threatening period, no other surgeon was called in: the stump of course, now affected by the fever, put on an unfavorable aspect, and the first clamours were now raised about the unskilful operation, to which all was attributed: in short, the operating surgeon was ungenerously condemned, and made answerable for the conduct, and inexperience of the acting physician; who, under this dilemma, called no one in to his assistance. A particular friend, however, of the patient's, tired out with the repeated bad accounts he daily received of Mr. Benwell's relapse; as soon as he found that Mr. Bromfield had not attended for some time, insisted on *proper help* being immediately sent for; it was therefore, through the means of this gentleman, that the serjeant surgeons were called in,



We are told, that it was in *the beginning of July* Mr. Benwell was deprived of Mr. Bromfield's attendance, but by a letter of his, which I have now by me, dated the 30th of June, he there tells me, he had then been confined to his room *nigh a fortnight*; consequently, it was in the middle of that month when he could no longer attend; this mistake, I suppose, was designedly made, to shew that there had been no neglect; for Mr. Bromfield is said, in *a day or two after*, to have desired Mr. Ranby, and Mr. Hawkins, to make Mr. Benwell a visit.

At this period it was that Mr. Benwell says *his health declined, and his stump grew larger, instead of becoming less; so that it was thought necessary to desire Mr. Bromfield, if he could not attend himself, to ask the favour of some eminent surgeon in London, to make him a visit. The message said to be returned was, "that Mr. Bromfield hoped he should "be able in a few days to see Mr. Benwell himself: that he was unwilling any surgeon from London should see in what manner Mr. Aylett had performed his operation, because he thought it would "hurt his character, as a surgeon."* Now I must confess, that till Mr. Bromfield publicly avows this message, I must suspend my belief of it, and this for many reasons. First, because I think Mr. Bromfield could not have been guilty of so much barbarity to his patient, on so trifling a consideration; and in so calamitous a situation as he describes, have let his patient languish two days, without sending the assistance demanded, and which he must be convinced was so much wanted; but the reason assigned for this most extraordinary neglect, convinces me still more, that it could not be true: for Mr. Bromfield, but a fortnight before had publicly declared *the operation to be well performed,*

D

formed, and the stump to be in good condition; nay, at this very time, in a letter to me, June 30, *he assures me, that he would not countenance any thing propagated to my prejudice*; but would even reprimand any of his own people if they should be found guilty of such behaviour: this certainly therefore must be a trumped up story, the falsity of which, Mr. Bromfield will, no doubt, think incumbent on him to prove, for the sake of his own character.

In page the 14th, it is said, “ That it was an  
 “ instance of very ill-judged deference in a man  
 “ who wanted to silence his enemies, and convince the masters of Eton of his chirurgical abilities, by his having a share in the operation,  
 “ to leave the principal parts to his colleague.”  
 As to my enemies, I shall pay very little regard either to their silence or clamour; but in respect to the MASTERS, whose good opinion, after being so long appointed surgeon at Eton school, I hope in some measure to have merited; it certainly would have been an *ill-judged* compliment to them, as well as a ridiculous attempt in me, to have endeavoured to impose on their discernment, by such *partial abilities, as sharing an operation*, which is much easier performed, than many others of very little seeming consequence. Indeed I flatter myself, that my appointment there derives its foundation from a more general knowledge in my profession; otherwise I apprehend, that I should not for so many years have been continued, as I now am, in so important a trust.

The author in page 25 says, from Mr. Sharp's quotation; “ by cutting down to the bone at  
 “ once, and sawing it directly, the consequence  
 “ was, that the skin and flesh withdrew themselves, &c. this, says Mr. Benwell, is my case.”

How



How the *withdrawing the flesh* can be reconciled with the charge alledged against me in page the 36th, where it is affirmed, *I left too great a portion of muscle* (or flesh) I know not. Had I *flushed* down to the bone in the manner asserted, there possibly might have been *too much bone left*, and too little *skin and muscle*; but the very contrary to this is affirmed by Mr. Bromfield, who has declared, that *there was sufficient skin for any one to have left*; and by this very charge against me, it is affirmed, that there was *too great a portion of muscle left*: I shall leave *these* contradictory accounts to be reconciled by the ingenious author, who seems to have a *strange fatality* attending his reasoning; and whatever medical attainments he may possess, it is plain, as Falstaff says of Honour, that *he has no skill in surgery*.

The affair of dressing the stump the first time, has been already so fully replied to in my first pamphlet, where Mr. Bromfield has *acknowledged* the impropriety of his conduct at that period; that I shall not trouble the reader with a repetition on that head; nor can I think it worth while after that, to answer the trifling interrogatories now advanced.

In page the 34th, it is said, “As to the digestion of the stump, *the serjeant surgeons* found “no fault with it.” If so, is it not a demonstration, that the cause of the fever did not arise from any thing which past in the operation? for certainly the wound, had it been the cause of the fever, could not have been in a good condition; unless that which is good in itself can produce bad consequences.

After this, it is added, “*With regard to the cure of the fever, they know they gave no directions about it.*” This is the most extraordinary

assertion I ever met with ; by this account, one might be induced to believe, that these gentlemen did nothing ; *for as to the digestion of the stump they found no fault with it ; and with regard to the cure of the fever, they know they gave no directions about it.* What ! would the physician then monopolize an honour he has scarce pretensions to share in ? Can the great abilities of these gentlemen be so slightly spoke of, by one who in all probability is indebted to them for his life ? were repeated bleedings, purges, and vomit, no directions for the cure of a fever ? if they were then thought so highly necessary, why were they so long postponed ? the state of blood, which now appeared inflamed to a great degree, was a convincing proof of the necessity of them, as well as of their earlier use ; and evidently demonstrated the impropriety of the bark, given under such circumstances : the well known clamour of the day was, that a fresh amputation was to be made ; but these well timed evacuations, directed by these gentlemen, prevented the operation, and saved the patient ; a circumstance which a little longer delay, perhaps, would have rendered impossible. What a pitiful resource ! to charge the bad symptoms of a fever, which had now continued nigh three weeks, to an operation that had been performed five weeks before ; a fortnight after which, the patient was so well, as to be removed into another room.

At length 'tis said, “ As to a compleat cure, “ I am now sorry to say, that is still (I am afraid) at a very great distance.” Here I am charged with a falsity, but I must beg leave to observe, that, if the cure is not compleat, I was led into this mistake by Mr. Bromfield himself, who, seven months ago, congratulated Mr. Ben-  
well



well on his *happy recovery*, in the very first page of his letter to him—And, indeed, it may reasonably be asked Mr. Bromfield, if the whole affair is not in a better state, than ever he expected it would be, before the operation; for he has declared in his narrative, page 9, that the *success attending it, was not at that time very probable, as the muscles were greatly contused, and the patient of a full habit of body.*

But what surgeon will not acknowledge, that, during a feverish state, the most simple wound cannot be brought into a healing condition? and can it be then wondered at, that a large stump, in a *full habit, attended with a fever for three weeks, should, instead of becoming less, grow larger?* all the efforts of external surgery; can, in such case, avail little; for, till the original cause, the fever, is removed, the wound will grow worse, and will often continue gleeing and discharging till the patient sinks. Whether this would not have been the case here, if the serjeant surgeons had not come opportunely down, may very reasonably be conjectured, from the very different treatment of the patient, and the sudden alteration of every symptom afterwards for the better.

Having thus proved that the principal cause, which brought Mr. Benwell into so much danger, was a fever, in consequence of some circumstance independent of the operation; I shall proceed to answer the charge alledged against me by Mr. Benwell, that *I left too great length of stump, and too large a portion of muscles.* Now in answer to the first part of the accusation, I say, if it were true, the charge should be general, for Mr. Bromfield and Howard are equally culpable with me; the part operated on, being always unanimously agreed on, by the surgeons present; as to the  
portion

portion of muscle, said to be left ; if true also, why was it not retrenched ? nothing could have been more easily effected, had Mr. Bromfield thought it the least necessary : *perhaps*, it is said, *you had done too much to be undone* ; the accusation above mentioned proves to the contrary, for I had not done enough ; according to that charge, *I had left too great a portion of muscle* ; an error, had it been so, certainly of the right side ; as the redundancy could so readily have been removed, while the loss of muscle could never have been restored. But is it to be conceived that Mr. Bromfield could stand passively by, and not remedy this supposed imperfect operation, which might so easily have been redressed ? could he take an unfinished stump under his care, and dress it up in this imperfect state ? could he reconcile such conduct, either to his duty to his patient, or to his own breast ? the barbarity of a *Skylock* could not with the least propriety have been imputed to him ; nor could there have been the least danger of the patient's *sinking under* so trifling a reform : but as Mr. Bromfield has at various times declared the operation to be well done, I shall make no further reply to so malicious a suggestion.

Such being the true result of the charge against me, in not performing the operation in a proper manner ; I might here rest my defence, in regard to this article ; but as some other objections are started in regard to the operation, it may be thought necessary, that I should reply to them. I am asked, “ Why was I so obstinately resolved to force  
 “ myself into a principal share of the disagree-  
 “ able office of cutting off my friend's leg ? there  
 “ I am afraid the surgeon got the better of the  
 “ man.” The reason is evident, because *Mr. Bromfield thought me as well qualified as himself, or*  
*any*



*any other of the profession* ; and certainly Mr. Benwell, being my friend, offered no reason why I should resign the right of operating, where the patient could receive no prejudice thereby ; and I myself must, by an acquiescence in an incapacity of performing the operation : if a surgeon is to decline performing capital operations, because the patients are his friends, I should be glad to know where he is to expect to find business ? surely not among his enemies !

At length it is discovered, that the true reason of my unwillingness to comply, seems to have arisen from the fear of being considered as a man not equal to the performance of the operation ? and pray was not this a very reasonable apprehension ? and who that had abilities would afford his enemies the pretext of such an imputation ? after this, page 6, it is continued, “ and I must not “ suppose, that you had the least ambition to be “ pointed at by the gaping vulgar, as a person “ who had cut off a man’s leg at *Eton*.” Indeed, the supposition is very just, I had no ambition of that kind ; nor had I any inclination to be pointed at, as one who was obliged to send to London for a surgeon, to cut off a man’s leg at *Eton* ; as if I was unequal to the operation.

As to the insinuation of my never before having cut off a leg, Mr. Benwell might have saved himself much trouble in his enquiries on this head, had he but put the question to his *family surgeon* ; who could have informed him, if his *memory* has not *again* failed him, that he was present at such an operation, which I performed 20 years ago. The charge of *an unsteady hand*, is what I little expected to come from a man who had *a double cotton cap over his eyes* ; but as this malevolent accusation is so fully replied to, and refuted by Mr. Penford,

Penford, on oath, who did see me operate ; I shall treat both the falsity, and the inference drawn from it, with that contempt it deserves.

Why the part of the operation I performed was concealed from Mr. Benwell for three weeks, may possibly be accounted for.—I am honoured, it is true, with the appellation of his friend, a title he well knows I have long since renounced ; nor should I have been called in on this occasion, had not the emergency and danger of the case alarmed him, and demanded my assistance : his friends however, dissatisfied with this step, were determined, on Mr. Bromfield's arrival, to get me removed ; and on that account raised all those difficulties in regard to the operation : not succeeding in this point, they were determined, as has since appeared, to conceal from him my being so *principally* concerned in the operation ; that there might be a pretext for Mr. Howard, the other surgeon, who did not operate at all, to have the future care of the stump : this succeeded, and Mr. Benwell, the first day it was dressed, was pleased to tell me, that for the future Mr. Howard was to have the care of it : I instantly saw through the artifice, and after such a palpable affront put on me, immediately took my leave. Could I have reason to believe, that four days after, he knew not that I was *principally* concerned in the operation ? could I, after he had made the above declaration to me, expostulate with him on what I took to be a dismissal in form ? no ; I found myself ill-treated, and retired with disdain ; I renounced all *private interest*, and regulated my conduct by the ungenerous treatment I met with : but to proceed in my examination ;

In the 22d page, Mr. Benwell says, “ You pretend to have shewn Mr. Poppleton part of your  
“ pamphlet



“ pamphlet before it was printed.—This is another specimen of your strict veracity, for that performance was not only printed, but published, when you carried the sheets to him— You told him you expected the pamphlets at Windsor in the afternoon; they accordingly came, and were at that time published in London.” When a man will dare to affirm such notorious falsities to the public, he must be lost to all sense of shame; his *folly*, or *assurance must be amazingly great* indeed; as so flagrant an imposition could not long escape detection: I solemnly declare then, that, when I waited on Mr. Poppleton with the first proof sheet, there was no other part printed off; nor was the pamphlet published till three days after; as the printer, publisher, and many others will attest—But had this really been the case, the facts contained in it stand unimpeached by Mr. Poppleton; as the day after publication, he avowed the truth of them to the Reverend Mr. Willis: could he have allowed that to be true when published, which he would have allowed to be false before it was printed?—And could Mr. Benwell venture to speak the truth, in a case which so nearly concerns him, he need not fear being abhorred for his malevolence.

It is asserted, as Mr. Benwell says, on the testimony of three surgeons present, viz. Mr. Howard, Mr. Bromfield, and his Apprentice, that *I did not make a double incision*. Now I absolutely affirm this also to be false; Mr. Penford, a surgeon present, has declared on oath that I did perform the *double incision*; and the following passage from a letter of Mr. Bromfield's to me confirms it: he says, “ You took off the limb, I secured the blood vessels, MR. HOWARD DREW UP THE SKIN, and managed the tourniquet; the operation was

“ thus finished, and every one seemed satisfied as  
 “ I thought.”—Gentlemen of the profession know, that *drawing up the skin*, is the step previous to the second incision: it is evident then, that three surgeons affirm the direct contrary to Mr. Benwell’s declaration; one of whom is Mr. Bromfield himself; who declares also, that *every one as he thought, seemed satisfied with the operation*: now as this is an assertion of Mr. Benwell’s only, whose veracity, as appears above, is not to be relied on; and the testimony of my witnesses is supported by the oath of one, and the hand writing of the other, I apprehend that I need say no more concerning *this dreadful operation*.

In the 29th page it is affirmed, “ that nothing  
 “ can be more false than my saying Mr. Benwell  
 “ desired to see me again, and even sent repeated  
 “ messages to that effect;”—If the reader will please to cast his eye on the first extract from Mr. Bromfield’s letter to me, he will find the following words: “ After dinner on Friday some gentlemen came in, and said, you looked on yourself as discharged from any farther attendance on Mr. Benwell; on which I went up to him, and told him what I thought was right in respect to you; when he declared he never had the least thought of dismissing you; *the which was desired by me that you should be acquainted with.*” I could produce other proofs of this kind; but the reader, I imagine by this time, must be satisfied, by these bold affirmations, of the little regard Mr. Benwell pays to truth.

He says, “ He never meant to insinuate, nor  
 “ ever said he did not see me in the room, just  
 “ before the operation, of which things I most  
 “ unjustly accuse him;”—Let us examine his own words, in his printed letter to Mr. Bromfield; they  
 are



are the following, “ so far was I from giving my  
 “ consent to his doing any part of the operation,  
 “ that I told him, I had insisted on your doing  
 “ it ; on which he said he must *then* take his  
 “ leave, and went down stairs ; and I do declare,  
 “ that had I thought he had a knife employed  
 “ on me, I do believe I should have sunk under  
 “ the operation.” Now if these words do not  
 both insinuate and imply that I had taken my leave  
 of him, and was gone down stairs about my bu-  
 siness, I know not what can : certain it is, they were  
 thus generally understood by every body : but to put  
 this matter out of doubt, it is notorious, that for se-  
 veral weeks he propagated this false tale, as num-  
 bers both here and at Eton will testify ; and that I  
 took an advantage of blind-folding him, to act as  
 I did ; otherwise he never should have suffered  
 me to operate on him at all ; as he had concluded  
 when I took my leave, that I was gone home :  
 it was this circumstance that induced *his family*  
*surgeon* to declare, that he would swear to the im-  
 possibility of his seeing me, as he himself pulled  
 the cap over his eyes, before I came into the room :  
 how this affair is shuffled over, at the expence of  
 Mr. Howard’s veracity, must be obvious to every  
 reader. But as Mr. Benwell now denies all this,  
 I have the authority of a gentleman of the strictest  
 honour to declare, that Mr. Benwell told the above  
 particulars to an intimate friend of his ; who was  
 greatly surpris’d when he heard that it was intirely  
 false from beginning to end : should the above  
 fact be at all disputed, the names of the gentle-  
 men shall be produced whenever I am called on.

I am sorry to find myself under a necessity of replying  
 to another charge of falsity alledged against me by  
 Mr. Benwell, who says, “ When you imposed on  
 “ Mr. Bromfield, you declared I had *desired* you

“ to settle the operation between yourselves. You  
 “ likewise asserted the same falsity to THE MAS-  
 “ TERS OF ETON SCHOOL, and this I have their  
 “ leave to mention.”—I must confess, that I was  
 both surprized and concerned to see such respecta-  
 ble names introduced on this occasion, in order  
 to prove what I had never disowned to these gen-  
 tlemen, and many others, to whom I had made  
 the same declaration ; and which I still affirm to  
 be neither falsity, nor imposition. The true state  
 of this case is as follows ;

When I waited on Mr. Poppleton five or six  
 months after Mr. Benwell’s accident, and soon af-  
 ter Mr. Bromfield’s publication of his pamphlet ;  
 in order to be informed, among many other af-  
 fairs, of Mr. Benwell’s *verbal consent* to Mr. Pop-  
 pleton’s proposal, relative to the operation ; he  
 was pleased to tell me, that he could not at that  
 distance of time charge his memory with that par-  
 ticular circumstance ; and as I had made a point  
 of advancing nothing, but what I could support  
 by the testimony of others ; I was advised by  
 my friends to omit this declaration, as they thought  
 Mr. Benwell’s consent was sufficiently clear with-  
 out it. As I certainly had a right to make use  
 of what arguments I thought most proper in my  
 defence, it is not to be wondered at, that I did not  
 chuse to rest this point on my own testimony :  
 but surely the omission of this circumstance in  
 my former account, by no means proves the fal-  
 sity of the assertion ; or that it is less true, be-  
 cause MR. POPPLETON did not recollect it ; nor  
 is it proved that these gentlemen were imposed  
 on, because they gave Mr. Benwell leave to men-  
 tion the fact which I had related to them.

With what propriety I am charged with draw-  
 ing the attention of the public from the principal



view, by fixing it on improper objects, I am at a loss to conceive. Can *the court of assistants* be thought such on this occasion? Does it not belong to them to decide whether operations in surgery are well or ill performed? can these points be called the *punctilios* of business? if Mr. Benwell and his friends had been desirous of obtaining truth, and of determining this object of our dispute, they would have accepted the proposal I long since publicly made, of leaving the decision of it to this judicious and impartial court: the public then would no longer have been troubled with an altercation, which is in general so little understood; nor would false and evasive arguments have been sought for, to deceive and mislead, when the truth might thus readily have been ascertained.

Thus have I, in the most plain and perspicuous manner, replied to every charge alledged against me, relative to the operation; and I hope have thoroughly acquitted myself of the many base imputations and falsities that have been so maliciously advanced: but before I conclude, I must beg to be indulged this observation; that hard would be the lot of surgeons, if they were to be made accountable for every incidental symptom after their operations; as the causes are numberless, which may defeat the end of the very best: and I can't help saying, that I think my case is singularly so; to be called on more than twelve months after, to defend the performance of an operation, which for the first fortnight had not the least imputation thrown on it; to be made accountable for a long train of illness, which has been proved, could not arise from the operation; to be deprived of the satisfaction of dressing a stump I had formed, and of being an eye witness

witness to the changes it underwent by the fever, or other incidental symptoms ; to be denied a fair trial before my proper judges, though frequently demanded ; and as it appears from the beginning, that there was so little prospect of success in a man turn'd of fifty, of a gross sanguine habit, naturally not over temperate, and in the midst of the summer season ; 'tis hard, I say, to be made answerable for the unfavourable symptoms which might naturally be expected from such a constitution independent of the operation. But I flatter myself, that the judicious and impartial will see through the unjust charge ; to whom I apprehend it will evidently appear, that had the incidental fever, which ensued after the patient's first removal into another room, been taken off in time by proper evacuations ; the dangerous symptoms arising from it, which so long continued, and necessarily affected the stump, had thereby been removed ; and the subsequent inconveniencies, which have since attended it, and retarded the cure, had most probably also been prevented ; and as I never saw the stump after the amputation, and of course could not be concerned in the dressing it ; surely no consequences of this kind can with justice be imputed to me.

As this deficiency in chirurgical knowledge is a new charge, and of the most import, I have been more particular about it ; but as Mr. Benwell chiefly rests his accusation upon another point, viz. that I disputed the right a man has to appoint his own surgeon, and operated against his consent, or rather express prohibition ; and as the baffled assertions upon this subject have been reinforced with some fresh supplies, I am content once more to give this matter a thorough examination—I shall state Mr. Poppleton's affidavit at length,



length, that the reader may see that, and the arguments with which it shall be confronted, in their full light, and because I would not lose any advantages which this affidavit so plentifully supplies me with, towards clearing up my conduct in this particular.

The declaration of Thomas Poppleton, of  
New Windsor, in the County of Berks,  
ESQUIRE.

*As I was sitting by the side of Mr. Benwell's bed, in the afternoon of the day that he had the misfortune to break his leg, Mr. Aylett came to him, and asked him, if it was his desire that Mr. Bromfield should take off his leg: Mr. Benwell answered it was: upon which, Mr. Aylett replied, he must then take his leave. As he was going out of the room, I said to him, those affairs had better be settled below stairs. My design in saying this, was to prevent Mr. Benwell's having any further solicitations on so disagreeable a subject; and so far was Mr. Benwell from consenting to my proposal, that I am not certain he heard me make it; for he took no notice of it, nor made the least answer to it. And indeed, it may be very reasonably supposed, that his attention at that time was fully engaged upon matters of greater importance. About half an hour after this, Mr. Benwell complained of being in great pain, and was very uneasy that his surgeons so long deferred the operation: upon which I immediately went down stairs to Mr. Bromfield and Mr. Aylett, and desired to know if they were ready: they answered, they were coming up: but so far was I from making any report to Mr. Benwell's friends, that the surgeons had settled the part that each was to take in the operation, that I declare I saw none of them, nor did I believe Mr.*  
*Aylett*

*Aylett was to perform any part of the operation, which required the use of the knife, till I saw it in his hand, just at the instant Mr. Benwell had been taken from his bed, and placed on the table; when it was too late for me to offer to interfere, as such a step must, in all probability, have greatly affected Mr. Benwell,*

Thomas Poppleton.

Sworn before me, one  
of his majesty's justices of the peace  
for the county of  
Berks, this fifth day  
of February, 1760.

Richard Tonson.

The writer having introduced Mr. Poppleton in this shape to the public, thinks it necessary to make some apology for him, as men usually do, when they bring a person into company which he has notoriously abused before, and with much gravity proceeds thus—"This is the declaration of  
" Mr. Poppleton upon oath before a magistrate: it  
" is not a story, compiled from his *unguarded ex-*  
" *pressions*, which *might* have been drawn from him  
" *perhaps* by practising upon his good nature—A  
" man who loves peace, often softens *the rigour of*  
" *truth* in common conversation; but the *solemnity*  
" of an *oath* admits of no *palliation of facts*; and  
" forces an *honest man* to speak out his *real senti-*  
" *ments.*"

Now to wave the first paragraph, which carries its own insignificance upon the face of it, I shall observe a little upon the second, which, as applied to this case, has more absurdity in it, than I should have thought it possible to crowd into so small a compass.

First,



First, we may collect from this paragraph, that a man may be said to *soften the rigour of truth*, when deliberately, and an hundred times together, he asserts things diametrically opposite to what he will swear three months afterwards.

Secondly, that he may be a very honest man in doing this; for the honest man, in the latter part of the sentence, who speaks his real sentiments upon oath, is the same with him, who softens the rigour of truth, in the former part: but this is with a proviso, that it be done for the sake of *peace*.

Thirdly, if a man may thus make free with his declarations for the sake of peace, much more may he do it for the sake of making his fortune, or the love of his family, &c. And then what becomes of the faith of contracts, and all kind of negotiations, where credit is given, without the intervention of an oath?

Fourthly, we are farther instructed in this paragraph, that every kind of discourse between man and man, be the subject what it will, where an oath is not concerned, is *common conversation*.—The transaction between Mr. Poppleton and me stands thus; my reputation being injuriously traduced in a printed letter, I apply to Mr. Poppleton for his testimony, as to certain facts that consisted in his knowledge, and related to the matter in question: he for the sake of truth and justice (as I then thought, and do still believe they were his motives at that time) agrees to give it: his account I take at two different times from his own mouth; as my defence was to be printed, to prevent all mistake and cavilling, and to obviate all suspicion of any disingenuous dealing, I carry him the proof sheet, that contained every tittle he was concerned in, which he revises, examines, and

F

approves:

approves : these declarations therefore were made by Mr. Poppleton to me, not once, but often ; not at casual meetings, but upon formal applications ; not unguardedly, but with the utmost deliberation ; not cursorily, but with the most scrupulous exactness ; and thus sealed with his allowance, and warranted by his approbation, they pass the press, and appear in public—The very day after the publication, a reverend clergyman, whose affidavit I shall subjoin, in company with Mr. Poppleton, revises all the parts of the pamphlet in which he was concerned ; when he gave his deliberate sanction to the whole, excepting one single word, which he thought should be altered for others, which he then named : this variation I readily submit to, waving all disputes about it, and the rather, because I derive this advantage from it, that the circumstance of such minute exactness in making so trifling an alteration, gives the strongest confirmation imaginable to all the rest that passed uncensured—This is an exact detail of what passed between Mr. Poppleton and me on this occasion, not one circumstance of which he has ventured in his affidavit to disavow, or call in question : yet, according to this writer, all this is *common conversation*, mere chit-chat, such as men talk upon hearsay and rumour, and no sort of stress is to be laid upon it : the moment an affidavit appears, the whole credibility of the witness is so strongly attracted by the oath, that all his former declarations are left bare and destitute of all kind of credit whatsoever—I believe the reader will smile at this ingenious hypothesis ; according to which, a country justice can do as much with an oath, as ever a Romish priest pretended to do with the sacrament ; the moment it is administered, we are to renounce whatever



whatever we have believed upon the joint evidence of our senses and our reason, how deeply soever it is rooted, and how strongly soever it has prevailed.

I now come to the affidavit itself, which I shall hope to shew would deserve no credit, from the inconsistencies and self-contradiction appearing on the face of it, though it were encountered by no external evidence.

The account is this, “ Mr. Aylett came to Mr. Benwell, and asked him if it was his desire “ Mr. Bromfield should take off his leg : Mr. Benwell answered it was ; upon which Mr. Aylett replied, he must *then* take his leave.”— Was this the language of a man, who disputed Mr. Benwell’s right of appointing his own surgeon ? did I not in direct terms admit it ? but what follows ? “ As he was going out of the “ room, I said to him, those affairs had better be “ settled below stairs :” so that, according to him, my behaviour corresponded with my words ; and having said, I should *then* take my leave, I instantly proceeded so to do. Then follows Mr. Poppleton’s proposal (for so he himself expressly calls it four lines afterwards) *those affairs had better be settled below stairs* ; what affairs ? was there any question but about cutting off the limb ? could he propose that any thing should be settled below, if he had thought it irrevocably determined above ? or can any point remain to be settled, if it is already put beyond doubt ? Mr. Poppleton then, apprehending that this proposal of his (which he could not deny) looked somewhat favourable for me, endeavours to weaken the force of any such inference, by telling us, what was his intention in making it : “ My design in saying this, was to “ prevent Mr. Benwell’s having any farther solli-

“ citations on so disagreeable a subject.” What ! did he mean to prevent farther solicitations by keeping a man in the house, in consequence of his proposal, who was at that instant going out of it ? let me compare the account of this matter given by Mr. Poppleton my witness, with that given by Mr. Poppleton Mr. Benwell’s witness, and leave the reader to judge between them. Mr. Poppleton’s former account stands thus ; that when I said, *I must then take my leave* ; Mr. Poppleton spoke the following words, “ These gentlemen are both able men ; we don’t understand their forms of business, it is better to leave this affair to be settled by themselves ?” I submit it to every impartial judge, whether this account is not natural, consistent, and agreeable to reason ; and when Mr. Poppleton says, he proposed, upon my going out of the room, that those ~~affairs~~ should be settled below, *in order to prevent farther solicitations*, whether that account is not unnatural, inconsistent, and full of absurdity : which of the two is most probable ; which goes farthest towards enforcing conviction ?

But it will be said, the question does not depend on Mr. Poppleton’s proposal, but upon Mr. Benwell’s consent : true ! I therefore return to the *Affidavit* ~~affair~~, wherein Mr. Poppleton proceeds to say, “ He is not certain Mr. Benwell heard the proposal.” But fortunately Mr. Benwell himself has cleared up this point in the 9th page of his pamphlet, where the writer says, “ *I made no reply to Mr. Poppleton’s proposal, and give me leave to tell you, that in spite of the proverb, silence as often denotes neglect and disapprobation, as it does attention and consent.*” From this it is evident (if the strongest implication in the world can make any thing so) that he did hear it.

For



For a man *cannot* reply to that which he never has heard; nor is it possible for him in any case to disapprove or consent to that, which he does not know has been proposed to him: besides, it is incontestible, that if he had not heard it, he would in this part of his pamphlet have said so at once, and asserted the fact, without arguing about the inference: the truth is, he not only heard it, but, as I affirm, did in words express his consent to it; but that I wave, as I have made it a point all along to rest my defence not on my own assertions, but on the testimony of witnesses entirely disinterested, and who cannot be suspected of any prejudice in my favour.—But if so, admitting the remark, that silence does sometimes imply disapprobation; the question is, whether, under the circumstances of this case, it might not reasonably be thought to imply consent: and here let me intreat every ingenuous reader to divest himself of those prejudices, which the writer's expressions of Mr. Benwell's distrust, aversion, and dread of my co-operating, may possibly have occasioned *since*, and consider me in the situation in which I then stood; utterly ignorant and unsuspicious of any diffidence entertained of me, and recollecting many instances of confidence which Mr. Benwell had expressed in my favour; not only in voluntarily seeking my assistance, although his *family surgeon* was with him before, but in recommending himself to me in the strongest terms, and expressly saying, that *he relied on me only*: that I had been for more than 20 years established in business upon this very spot, during which time, my character in my profession had never been disgraced, blemished, or even attacked: that not only in that branch of my profession, which was now in question, but in various other operations, compared with which,



amputation is justly deemed inconsiderable, my practice has been attended with success, and honoured with some degree of esteem, which was evidently the motive of Mr. Benwell's desiring my assistance at all on this occasion : under these circumstances, when so fair and candid a proposal was made, not by me, but by a person totally disinterested ; an intimate friend of the patient's, and who knew little of me, but from my general character ; I appeal to every liberal and candid mind, whether to infer consent from silence, could deserve the censure which such construction has brought upon me : Mr. Benwell had seen me acquiescing under his first declaration, without expostulation or reproach ; the least hint of his dissent from this proposal would have produced the like behaviour ; he had no reason to expect the contrary : had the proposal come from me, I own in that case his silence had been equivocal ; but as it came from a bosom friend, a non-rejection seems equivalent to a consent.

Mr. Poppleton then goes on to tell us, that half an hour after (during all which time it does not appear, that Mr. Benwell gave the least hint of disapproving his scheme ; nor indeed does Mr. Poppleton in any part of his affidavit venture to say, that *he believed* Mr. Benwell disapproved it) he came down, and asked, *if Mr. Bromfield and I were ready* : the very question shews, he thought I was to be concerned : Mr. Poppleton in truth said more, as I have stated in my former pamphlet from his own mouth ; alluding to which passage the writer argues thus, " you have indeed attested, that he asked, *whether you had settled the point of operating* ; but as Mr. Poppleton does not own the expression in his affidavit, it is reasonable to conclude he never made use of it." —

Now



Now I do affirm this to be very *unreasonable*; for as his name was vouched in print long before, for having said so; as he did not *disown* the expression in his affidavit, 'tis a clear proof he made use of it, because he did not disavow it, when he had so good an opportunity to do so, if he could: why then! let me ask upon what ground he believed, as he proceeds to say he did, that I was not to use the knife, when by his own account, the last words he heard me speak, expressed a determined resolution to quit the house, unless I were admitted to use it? what circumstance had intervened, to make me change my resolution, or to give the least countenance to his opinion? I would farther ask, upon what ground he intimates, that he would have interfered to stop my part of the operation, but for the fear of affecting Mr. Benwell; when he himself had proposed, that the affairs should be settled below stairs, and it had been settled accordingly? lastly, if he had the least conception, that my operating with the knife would be disagreeable to Mr. Benwell; how came he not to inform himself, when he was below stairs, of what had been settled? which might so easily have been done, without any fear of giving Mr. Benwell the least disturbance; which, he says, was the sole reason for his not interfering afterwards.

The reader will please to observe, I have hitherto argued against this affidavit, merely from *internal proofs*, drawn from the inconsistencies and self-contradiction appearing upon the face of it; and that it could deserve little credit on that account, were the testimony of the witness in other respects unexceptionable; but as I have it in my power to impeach, and entirely to destroy the credit of this witness by *external evidence*, I must  
now,

now, unwillingly, but since it is in my own vindication, necessarily resort to it, and shall introduce it to the public without farther preface.

The Declaration on Oath of the Rev. Mr.  
JOHN WILLIS, Rector of Fullmer, Bucks.

ON the day after Mr. Aylett's pamphlet was published, I declare that I visited Mr. Poppleton, at the request of Mr. Aylett, in order to know his sentiments thereon; as they had been misrepresented to Mr. Aylett. He desired me to make his compliments to Mr. Aylett, and begg'd me to tell him, that what he said at Windsor coffee-house was, that Mr. Benwell did not *in words* agree to his proposal (that the point of operating should be settled by Mr. Bromfield and Mr. Aylett) but as Mr. Benwell said nothing against this proposal, after Mr. Aylett had left the room, he thought Mr. Benwell had tacitly consented to it, otherwise, *he should not have suffered Mr. Aylett to have done any thing*: that he came down therefore from Mr. Benwell to Mr. Bromfield and Mr. Aylett, and made use of the words in Mr. Aylett's narrative, (which we read over together) viz. to know if Mr. Bromfield and Mr. Aylett had settled the point of operating; for the sake of his friend Mr. Benwell; and Mr. Aylett, who he thought had not been well used: so that, in his opinion, neither Mr. Benwell, nor Mr. Aylett, had been guilty of falsity; he in declaring he did not send him, or Mr. Aylett, in affirming that Mr. Poppleton delivered such a message. Mr. Poppleton added, that he did not think Mr. Aylett at all to blame, as he himself should have acted as Mr. Aylett did, in consequence of such a message.

I far-



I farther declare, that Mr. Poppleton and I examined together the different parts of Mr. Aylett's pamphlet, where Mr. Poppleton was mentioned, and that he Mr. Poppleton objected to *no parts* of it relating to him, except the word *acquiescing*, in page the 9th, of Mr. Aylett's narrative, which he thought would be better *tacitly consenting*. He owned, that Mr. Aylett had several times waited upon him, for his information and approbation, touching the points in dispute, before Mr. Aylett's publication.

I think it incumbent on me particularly to declare, that Mr. Poppleton confirmed the truth of the following words, in the 28th, and 29th pages of Mr. Aylett's first pamphlet; they are the following, " Mr. Poppleton, the patient's friend, " proposed to Mr. Benwell, that Mr. Bromfield " and I should settle between ourselves the manner of performing the operation: Mr. Benwell " appeared to agree to this: I went down stairs, " and communicated this expedient to Mr. Bromfield, and in consequence thereof, the affair was " instantly settled; when Mr. Poppleton came " down with a message from Mr. Benwell, to " know if we had done so." This observation, which I made immediately after I left Mr. Poppleton, I declare to have now by me, in a marginal note on Mr. Aylett's pamphlet; and I then believed Mr. Poppleton was perfectly convinced of the truth thereof, as he then declared in these words, (putting his finger on the above quotation,) THIS IS TRUE.

JOHN WILLIS.

Sworn before me, one  
of his majesty's justices of the peace,  
this 12th day of July, 1760.

GEORGE HATCH, Mayor of Windsor.

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The

The parts in my pamphlet, alluded to in the above declaration, which Mr. Poppleton examined, and carefully revised, three days before the publication; and declared also the truth of the facts, which he now confirmed to the Reverend Mr. Willis; were the following, “ I went up to Mr. Benwell, and, in the properest terms I could use, desired to know, as Mr. Howard had declined the operation, whether he had any objection to my doing it? Mr. Benwell replied, that Mr. Bromfield had just been with him on the same score, and that he had told him, he intended he should perform it. On this declaration, I replied, I should *then* take my leave; but before I could quit the apartment, Mr. Poppleton, the patient’s friend, and who sat by him, addressed himself to Mr. Benwell in this manner; these gentlemen are both able men; we don’t understand their forms of business; it is better to leave this affair to be settled by themselves. Mr. Benwell making no objection to this reasonable proposal of his friend, but *acquiescing*, or (as desired) *tacitly consenting* to the expedient; on Mr. Poppleton’s repeating it to me, I immediately went down stairs, and related to Mr. Bromfield this determination. Mr. Bromfield readily agreed to this proposal, and we were preparing to go up to the patient, when Mr. Poppleton came in to us from Mr. Benwell, desiring to know if we had settled the point of operating: on telling him it was settled, and we were coming up, he reported it to Mr. Benwell’s friends, many of whom were assembled together; and who, had they not thought this to have been Mr. Benwell’s final determination, would most undoubtedly have interfered, and not have suffered me to cut off their friend’s leg, against his inclination and

“ will.



“ will. This Mr. Poppleton has declared would  
 “ particularly have been the case with him, who  
 “ would not have permitted me *to operate at all*,  
 “ unless he had been assured it was Mr. Benwell’s  
 “ inclination to leave it to our decision.”

These are the first voluntary declarations of Mr. Poppleton, before *his good nature*, as it is called, had been *practised* on; and hence also it appears, that these declarations in my favour are attended with an evidence, which is seldom in any man’s power, upon such occasions, to lay before the public:—As to the substitution of the words *tacitly consenting* to the word *acquiescing*, the change does not in the least prejudice my defence: they make it evident, that Mr. Benwell appeared to Mr. Poppleton to consent to his proposal, although, according to him, he did not express himself *in words* to that effect—And then the whole is reduced to this short question, whether I deserve to be pursued with such unmitigated rancour, for having *thought* as this bosom-friend of Mr. Benwell professes *he thought*, and for having *acted*, as he declares *he himself should have acted*, on the like occasion.

Upon the whole it appears, that two things are laid to my charge, unskilfulness in the operation, and unwarrantable presumption in operating at all.—As to the first, the reader has seen the contrary most fully proved by Mr. Bromfield’s letters, and the full and authentic declaration he subscribed and declared in the presence of three witnesses; —And his authority is the stronger, because no one can suspect him being prejudiced in my favour, —But what is stronger than the testimony of any witness, is the evidence arising from the fact itself;—For if this operation was so wretchedly performed, as this pamphlet describes it, how happened it that a man of Mr. Benwell’s age, gross



habit of body, and at that season of the year, was so free from every kind of dangerous symptoms for a full fortnight after the amputation,——That his friends, who all despaired of his doing well, grew daily more and more confident of his recovery, and both visited and congratulated him upon it;—That not a syllable was then muttered about *single incision, flashing to the bone, sawing thro' the membranes*, and other dreadful-sounding words of the like nature? I leave it to Mr. Benwell, and his abettors, to account for *their silence* during this period; in the mean time, I shall very easily account for the change of language, and all their subsequent proceedings:—For, at the end of the fortnight, the neglect of those about him, in suffering him to be removed from one room to another, produced a cold, which, from the ignorance and incapacity of his managers, was heighened to a fever, and baffled all their skill and application, for a fortnight; during which time Mr. Bromfield was absent by illness.——I have already shewn how this fever was removed by the prudent directions of the serjeant surgeons, who by *proper methods* set all to rights again.——But as the blame of all this mismanagement must fall somewhere, it was thought much more convenient by the parties, to throw it upon an absent man, who was not there to defend himself, than to bear it upon their own shoulders.——This gave rise to all this high colouring, and most tragical representations of my ignorance and cruelty; which was never thought on, till the gross ill conduct of other persons made it necessary for them to impute it to me, in order to exculpate themselves.——When to this is added the most explicit account given by Mr. Penford upon oath, who was present during the whole operation, and cannot be denied to be an incompetent judge of it; I believe I shall rather be charged



charged with having been too minute in my vindication, than wanting in any necessary article of my defence on this part of the charge.

Mr. Benwell indeed maintains, the cure is far from being compleated ; if this be true, I am sorry for it ; but if so, others, not I, are the proper objects of his resentment.—My part of the operation was properly performed, and success attended it.—The subsequent neglect of others may have produced consequences, for which they only are answerable.—But I frankly own I disbelieve the fact.—He has long been well enough to travel through two or three counties, with a chaise full of his pamphlets, hawking and distributing them about the country, and at horse-races, in order to blacken my reputation ; but I trust, that with all impartial men, the activity with which he propagates this slander, will defeat the credit of it.

In regard to the other charge ; as it is evident my commission to operate was founded on Mr. Benwell's consent to Mr. Poppleton's proposal, I submit it to the reader, whether Mr. Poppleton's affidavit, expressly denying such consent, can, upon the whole circumstance of this case, be thought equivalent to the many deliberate, and explicit declarations, made by him to the contrary.—Declarations comprizing a series of facts, warranted before and after the publication ; never disavowed by him for three months together ;—not disavowed even now—the strong efforts of malice may silence, corrupt, and alter witnesses, but they cannot destroy that conviction, which results from the nature of the facts themselves.—For my own part, I am contented to abide this test. Let Mr. Poppleton's last evidence, if it have any weight, be my condemnation ; if his credit stands, let mine sink ; if he be deemed a man of integrity, let me be branded with infamy.

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As to the distinction, that Mr. Poppleton's former declarations were unsworn, whereas this is upon oath, it is perfectly ridiculous——an oath is indeed a higher degree of security; but there are some cases, to which no security is adequate, and where no degree of credit can be given. —Suppose Mr. Poppleton, after what passed between him and Mr. Willis, had *in common conversation*, as the writer calls it, declared the very reverse to be the truth: if in that case, no sort of credit can be given him, as it certainly could not, his attesting it upon oath, will not mend the matter.——

An oath always presupposes credibility; it cannot give it, where it is lost, and that is the reason, why men, reputed infamous in law, are not admitted to be sworn in courts of justice: their credit is gone; and it would be prostituting a sacred ceremony, where the ends, for which testimony is given, could not be attained.——A beggar's bond is no better than his note; and as it would be madness to trust him with your money, who has evidently no fund for repayment; it is equally so, to give credit to the oath of a witness, who has forfeited all title to credibility, and is a bankrupt in truth and honour.

I shall now proceed to examine the rest of the affidavits.

The first then of Mrs. Ann Benwell, shopwoman and cousin to the patient, is contradicted by Mr. Poppleton in one particular: she swears, that *after my taking leave, I continued some time talking about the operation*; Mr. Poppleton swears, *I was going out of the room, immediately after I said, I must then take my leave.* The reason of this contradiction will appear perhaps to the reader, when he considers, that the absurdity in Mr. Poppleton's affidavit, (which I have before remarked on) appeared so palpable, that it stood in need of some kind



kind of salvo, or correction ; and therefore the writer of the pamphlet thought it essentially necessary, that this objection should be removed ; which there was full time for doing ; Mr. Poppleton's affidavit having been made the 5th of February, and Mrs. Ann's 22 days after.

Mr. Pitt, shop-keeper at Maidenhead, and brother-in-law to Mr. Benwell, swears *he found Mr. Bromfield and I disputing about the operation ; and that he declared it was Mr. Benwell's desire, that Mr. Bromfield should perform it.* — I must beg leave to observe, that Mr. Benwell expressly produces this witness to prove that he was the *last messenger* ; whereas 'tis evident that this message was previous to Mr. Poppleton's, who found us not disputing, but preparing to come up : this is evidently proved on the oath of Mr. Penford, and is a circumstance that Mr. Pitt does not deny in his affidavit ; although the writer, in the pamphlet, lays great stress on his testimony, as to this fact, which Pitt has not ventured to say a syllable about : — The reason of that omission in the affidavit I take to be, that Mr. Pitt and Mr. Poppleton making their affidavit the same day, before the same justice of peace, and in the same cause, were probably together when they took their oaths ; and therefore Mr. Pitt could not bring his conscience to the point of swearing to a fact, which his companion, who was present, could of his knowledge assert to be false—unless it be rather thought by those who *know him*, that this *modest man* forgot what he was to swear.

Mr. Peter Fowler, journeyman to Mr. Benwell, swears, *that he had on a white double cotton cap, during the whole operation ;* a circumstance never yet doubted : — But I suppose this cap, however double it might be, did not prevent Mr. Benwell from seeing me, before it was pulled over his eyes ?



eyes? nor from thinking, when I returned in an operating dress, that I came back to do nothing; as he knew *I took my leave of him*, because he at first refused me to operate; that *I staid* in consequence of Mr. Poppleton's proposal to him, and *returned again* in consequence of his message to me.—I can't help, in this place, confessing my surprize, that among such a groupe of affidavits, Mr. Benwell should forget his promise, which he made Mr. Bromfield in his first printed letter; *that his family should give their oaths to the truth of every circumstance related in his narrative.*—Whence this important omission? Has this gentleman lost his credit with him? Or are the witnesses scrupulous? — But perhaps some of his friends thought, there had been too much swearing already.

It may perhaps be objected, that 'tis unreasonable in me to discredit Mr. Poppleton as a witness where he speaks against me, and to build the merit of my cause, where it speaks for me: — But a little reflection will enable any man to detect the sophistry of this argument—when a writer asserts a fact that flatly contradicts his former assertions, it is impossible they should both be true; but it does not follow from thence, that both are false—in order to discover which is the truth, and which the falsehood, the general nature of the case is to be considered, and the particular circumstances attending the evidence are to be carefully examined, compared, and weighed——If the former declarations contain facts probable, and consistent with themselves; if the witness hath frequently maintained, and long persisted in them; if this evidence hath been vouched in print; and he, knowing this, hath never for months together disavowed it to the public; if after publication, it can be proved he revised such evidence, and deliberately gave a farther sanction to it; if besides all this, no temp-  
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tation can be imagined, no rational motive assigned, that should induce the witness to make these declarations, if they were not true; it will be judged by all men, that he made them for the sake of justice, and the love of truth, and they will be believed accordingly. — If on the other hand, the subsequent declaration appears inconsistent with itself; if it carries upon the face of it marks of evident partiality; if the witness in such affidavit, instead of confining himself to facts, starts out into reasonings, endeavours to obviate objections, and appears solicitous to gain proselytes to his new declarations, without venturing to disavow the old ones, which he was charged with making; all which circumstances will appear to any one, who carefully examines the affidavit; if besides this an adequate motive may be assigned, that might tempt such witness to desert the cause in which he first engaged; all these circumstances will be strong symptoms of a combination to darken truth and pervert justice; and such latter testimony may safely be discredited without impeaching the validity of the former. — Now it is easy in the present case to assign such a motive: Mr. Poppleton's well known connection with Mr. Benwell, and the other gentlemen, whom I have the misfortune to find my enemies on this occasion, will easily account for his deserting the interest of a man, with whom he was totally unconnected, and making his declarations coincide with the sentiments and wishes of his old acquaintance. — *A good natured man can't be proof against unwearied entreaties; a lover of peace can't endure a scene of endless importunity; — A man who had softened the rigour of truth for a stranger, would blunt the edge of it for an old companion; and this perhaps*

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will make it probable, that what Mr. Poppleton has said for Mr. Benwell, was really for *the sake of peace*; and what he said to me, was for the *love of truth*. — These considerations will justify me, in still considering Mr. Poppleton as a Witness for me, and insisting on the benefit of his former testimony.

Before I conclude, it may be proper to give a specimen or two of this writer's candour. — It has usually been thought, that the testimony of *dependents* in our favour, is to be suspected of partiality; and that the testimony of strangers, or enemies, if given in our favour, is of the greatest weight. — Notwithstanding this, Mr. Benwell's swearers made up of two expecting relations, and a domestic of his shop, are, according to the writer, most authentic witnesses, and superior to all exception: but let Mr. Bromfield subscribe to ever so many declarations in my favour, they are *concessions made in an overflow of good nature*, and by a man *who was unwilling to expose me*; and yet, if the writer may be believed in six pages afterwards, he made no scruple *to expose me to a common messenger*. — Mr. Poppleton witnessed for me in the manner above related; but *he is a lover of peace, who soften'd the rigour of truth in common conversation*. — Mr. Howard was convicted of asserting a rank falsehood, which he had offer'd to swear to; *HE in the midst of his concern (poor man) forgot the exact time, and ought not to be blamed at all*. — Mr. Benwell himself being reminded, of his having thanked me *for my care of him; of the sole confidence he put in me; and the great tenderness, with which I behaved towards him*; which he acknowledged *since his going abroad*; instead of disavowing these facts, shuffles them



them off with saying, *all I remember of that affair is, you wished me well* — *I thanked you for your wishes.* — Thus does this writer sport with the plainest dictates of reason and justice; and hopes that as he makes light of them in his expressions, the reader will do so in his judgment: but alas! words are flexible; facts are too stubborn to ply to every occasion and take the bent, to which the fancy, or interest, or malice of a writer, would fain incline them.

But let it not be understood, that I impute to Mr. Benwell the contrivance, or management of this scheme of calumny: he is only the instrument and dupe of other men's resentment — I believe he has a heart *too good* to contrive it, and an head too bad to manage it — I am not ignorant from what quiver these arrows come, and whose malice has poisoned them with such uncommon virulence: in the mean time, MY PATIENT IS ALIVE, TO APPEAR IN THIS ACCUSATION — AND I APPEAR TO ANSWER IT.

I have thus endeavoured to give a full and explicit answer to both the points, on which this charge is rested, and I hope have satisfied the public, that it is frivolous and groundless. — But I can't help differing from the writer, where he says, the principal controversy is about the right, not the manner of operating — I am persuaded the world will be of another opinion — If the operation was properly performed, and no mischief hath followed, wherefore all this restless clamour, and obdurate persecution, from a man just raised from the bed of sickness, from whence none of his friends ever expected him to rise? if mischief hath followed, that I own is a serious question, and well deserves examination; and in God's

name, from whatever quarter it arose, let it be examined—Mr. Benwell asserts this and that, as he says, *upon the testimony of his surgeons*: let then his surgeons stand forth to verify these assertions; it is a point of art and science, let men of science decide it——Mr. Benwell's friends, if they can maintain the charge, will enjoy the happiness they have so much at heart, to blast my reputation, and sink my credit with all that trust me: I give them the fair opportunity of doing this, if they are able——Let them appear before the proper judges; (which I before offered, and now again repeat) I am ready to attend them; and as I have pointed out the test, will submit to the judgment. If they decline this, all men will judge it is from their impotence to maintain the charge——But they think it easier to let forth tragical descriptions without truth or knowledge, and to inflame mens passions, where their understanding can have no part.——If then, no ill consequence can be proved to have ensued from my operating; if that which was necessarily ordered, was properly executed, Mr. Benwell's resentments on this subject are altogether as ridiculous as the honest Irishman's, who challenged the man that had saved him from drowning, because in doing it he pulled him by the hair.

F I N I S.





